

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: LATTER ET AL.
Appl. No.: 09/122,484
Conf. No.: 4450
Filed: JULY 28, 1998
Title: METHOD AND SYSTEM FOR PROVIDING
ENHANCED CALLER IDENTIFICATION
Art Unit: 2614
Examiner: TRAN, QUOC DUC
Docket No.: 08285-00181

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Sir:

This Appeal Brief is filed based on the final rejections set forth in the Office Action mailed on February 17, 2006 and the decision of the Pre-Appeal Board of Review mailed on October 17, 2006.

I. REAL PARTY IN INTEREST

The real party in interest for the above-identified U.S. patent application is SBC Properties, L.P., whose address is 645 East Plumb Lane, Reno Nevada 89502.

II. RELATED APPEALS AND INTERFERENCES

The undersigned appellant's legal representative, appellant or assignee are unaware of any other prior and pending appeals, interferences or judicial proceedings that may directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claim 1 to 56 and 67 have been previously canceled.

Claims 57 to 66 and 68 to 93 are pending and stand finally rejected, and are the subject of this appeal. All of these finally rejected claims 57 to 66 and 68 to 93 are appealed herein.

IV. STATUS OF AMENDMENTS

A Pre-Appeal Brief Request for Review was submitted on August 15, 2006 (received by the Office on August 18, 2006), and a Notice of Panel Decision from Pre-Appeal Review was mailed on October 17, 2006, and The Notice of Panel Decision indicated the application remains under appeal. No additional papers or amendments have been filed subsequent to final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

It is known for telecommunications service providers to offer caller identification (caller ID) services to their customers. These caller ID services provide the customers (i.e., the called party) with information about the party making an incoming call (i.e., the calling party) prior to the customer or called party answering the call. These known caller ID services utilize information about the calling party that is transmitted electronically during the setup of the call to provide information to the called party. The effectiveness of these known caller ID services is reduced, at least, when the electronically-transmitted information about the calling party is unavailable or blocked.

Applicants and Appellants have disclosed and claimed systems and methods for ensuring that caller identification information related to the calling party is provided for the calls that ring through to the customer or called party. In particular, the claimed systems and method disclosed by this pending application are programmed or configured to transmit to, or otherwise prompt, a calling communication station and/or a calling party to provide audible caller identification when the standard caller identification information is not or cannot be provided.

In other words, when caller identification information is not provided to the called communication station, the called communication station contacts the calling communication station and the calling party and requests *audible* caller identification be provided. The recorded audible caller identification information can, in turn, be played to the called party thereby allowing them to accept or reject the call.

A. INDEPENDENT CLAIM 57

Independent claim 57 recites a method for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18).

B. INDEPENDENT CLAIM 60

Independent claim 60 recites a method for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18).

C. INDEPENDENT CLAIM 68

Independent claim 68 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, a computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication

station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18).

D. INDEPENDENT CLAIM 69

Independent claim 69 recites a method for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18).

E. INDEPENDENT CLAIM 70

Independent claim 70 recites a method for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18).

F. INDEPENDENT CLAIM 71

Independent claim 71 recites a method for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18).

G. INDEPENDENT CLAIM 77

Independent claim 77 recites a system for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, a service node operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 1, 2, 3, 5; page 2, line 26-32; page 3, lines 8-11; page 3, lines 18-27; page 4, lines 15-29; page 6, lines 12-18).

H. INDEPENDENT CLAIM 84

Independent claim 84 recites a system for processing a call from a calling party at a calling communication station to a called communication station that includes, an intelligent peripheral operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 1, 2, 4, 5; page 2, line 26-32; page 3, lines 8-11; page 5, lines 19-24; page 6, lines 12-18).

I. INDEPENDENT CLAIM 91

Independent claim 91 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, a computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18).

J. INDEPENDENT CLAIM 92

Independent claim 92 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, a computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18).

K. INDEPENDENT CLAIM 93

Independent claim 93 recites a computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station that includes, in relevant part, a computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication

station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 1, 2, 5; page 2, lines 20-25; page 3, lines 8-11; page 6, lines 12-18).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.

Whether claims 57 to 59 are patentable under 35 U.S.C. §103(a) over the recited combination of U.S. Patent No. 5,497,414 to Bartholomew (“*Bartholomew*”) in view of U.S. Patent No. 5,905,774 to Tatchell et al. (“*Tatchell*”).

Whether claims 60 to 66, 68 to 73 and 75 to 93 are patentable under 35 U.S.C. §103(a) over the recited combination of *Bartholomew* in view of *Tatchell*.¹

Whether claim 73 is patentable under 35 U.S.C. §103(a) over the recited combination of *Bartholomew* in view of *Tatchell*.

Whether claim 74 is patentable under 35 U.S.C. §103(a) over the recited combination of *Bartholomew* in view of *Tatchell* further in view of U.S. Patent No. 5,033,076 to Jones et al. (“*Jones*”).

Because these grounds of rejection are based, at least in part, on the same cited references, *Bartholomew* and *Tatchell*, and substantially the same reasoning, Appellants have addressed them in a cumulative manner. Thus, the cumulative grounds may be stated as:

1. Whether claims 57 to 66 and 68 to 93 are patentable under 35 U.S.C. §103(a) over the recited combination of U.S. Patent No. 5,497,414 to Bartholomew (“*Bartholomew*”) in view of U.S. Patent No. 5,905,774 to Tatchell et al. (“*Tatchell*”).

¹ Appellants note that the rejections set forth on page 4, paragraph 4 of the final Office Action mailed on February 16, 2006 refer only to claims 66, 68 to 72 and 75 to 93. Appellants have assumed, for the sake of completeness, that the rejections were intended to address pending claims 60 to 65 as well.

VII. ARGUMENTS

Appellants respectfully submit that the pending rejections summarized in Ground 1 fail to establish a *prima facie* case of obviousness² and should be withdrawn. In particular, the relied upon references, either alone or in combination, (1) do not teach or suggest all of the limitations or elements recited, and (2) do not provide the necessary suggestion or motivation to make the relied upon combination.

A. GROUND 1 - CLAIMS 57 TO 66 AND 68 TO 93

Appellants submit that the rejection of claims 57 to 66 and 68 to 93 under 35 U.S.C. §103(a) over the recited combination of U.S. Patent No. 5,497,414 to Bartholomew (“*Bartholomew*”) in view of U.S. Patent No. 5,905,774 to Tatchell et al. (“*Tatchell*”) should be withdrawn.

Independent claims 57, 60, 68, 69, 70, 71, 77, 84 and 91 to 93 recite generally methods and systems for processing a call from a calling party at a calling communication station to a called communication station that include, in relevant part, transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station. (See figures 2, 5; page 3, lines 8-11; page 6, lines 12-18). In other words, when caller identification information is not provided to the called communication station, the called communication station contacts the calling communication station and the calling party and requests *audible* caller identification be provided.

Appellants submit that neither *Bartholomew* nor *Tatchell* discloses, or even suggests, transmitting a request for audible caller identification. In fact, the final Office Action mailed February 17, 2006 explicitly concedes at page 3, paragraph 3 that *Bartholomew* does not disclose transmitting a request for audible caller

² To establish a *prima facie* case of obviousness, three basic criteria must be met:

- (a) First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.
- (b) Second, there must be a reasonable expectation of success.
- (c) Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143 - §2143.03 for decisions pertinent to each of these criteria.

identification. *Bartholomew* simply discloses utilizing a personal identification number (PIN) to control caller access and routing without obtaining standard caller identification information from the calling party and without providing caller identification information to the called party.

Tatchell does not disclose or provide the teaching missing from *Bartholomew*. *Tatchell* simply discloses a subscriber interface and Personal Agent that, among other things, operates and administers a call screening and prioritization list that identifies and verifies incoming calls when the subscriber is on-hook. In other words, the system of *Tatchell* intercepts calls placed by a calling party to a called party and utilizes a screening and prioritization list, previously established by the called party, to determine what operations to perform on the call. If, upon interception of the call, the caller identification is not on the **call screening and prioritization list**, then the system of *Tatchell*, at step 106, can prompt the calling party for their name. It will be clear that the caller identification information **must** be present before it can be compared to the screening and priority list. Thus, the system of *Tatchell* does not address the situation where standard caller identification information cannot be provided. The system of *Tatchell* simply addresses the problem of when the provided standard caller identification information is **not on the call screening and prioritization list**.

Moreover, if the standard caller identification information were **not** provided to the system of *Tatchell*, e.g. no information is provided for comparison, then the calling party's call is simply blocked. Thus, for the system of *Tatchell* to operate as shown in the relied upon FIG. 8b, the caller identification information **must** be provided, and **must not be** recognized or previously entered on the call screening and priority list, which then could prompt an agent request. For all of these reasons, Appellant submits the agent request of *Tatchell*, cannot be made in response to a determination that caller identification information is not provided. Rather that the caller identification information must be provided, but is **not on the screening and prioritization list**.

Because neither *Bartholomew* nor *Tatchell* discloses, or even suggests, transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station, no

modification of the references would result in the invention recited in claims 57 to 59. Furthermore, even if, *arguendo*, the relied upon characterization were feasible, the combination of *Bartholomew* and *Tatchell* would simply result in a system in which a PIN was utilized to determine if the calling party was previously established on the call screening and prioritization list. In other words, the PIN would effectively become the caller identification information (and would therefore be known) and the system of *Tatchell* would operate as described above.

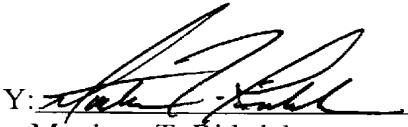
For all of these reasons, Appellants submit the combination of *Bartholomew* and *Tatchell* cannot be a basis for establishing a *prima facie* case of obviousness. Thus claims 57 to 66 and 68 to 93 are not rendered obvious over either of the cited references or the combination thereof, and the rejections should be withdrawn.

CONCLUSION

For the foregoing reasons, Appellants respectfully submits that claims 57 to 66 and 68 to 93 are allowable over the cited references. Appellants further respectfully submit that the pending rejections of claims 57 to 66 and 68 to 93 are incorrect and must be withdrawn.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

57. A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

- (a) generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
- (b) determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;
- (c) transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;
- (d) receiving an override signal from the calling communication station; and
- (e) connecting the calling communication station and the called communication station in response to the override signal and without providing any caller identification information to the called communication station.

58. The method of claim 57, wherein the override signal comprises a pin number.

59. The method of claim 57, wherein the override signal comprises a password.

60. A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

- (a) generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
- (b) determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;

- (c) transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;
- (d) transmitting the audible caller identification information to the called communication station; and
- (e) canceling the call in response to input from the called communication station.

61. The method of claims 60, 69, 70, or 71, wherein (b) comprises analyzing data contained within the query to determine whether caller identification information for the calling communication station is unavailable.

62. The method of claims 60, 69, 70, or 71, wherein (b) comprises analyzing data contained within the query to determine whether the caller identification information for the calling communication station is incomplete.

63. The method of claims 60, 69, 70, or 71, wherein (b) comprises analyzing data contained within the query to determine whether caller identification information for the calling communication station has been blocked.

64. The method of claims 60, 69, 70, or 71, further comprising transmitting a message to the called communication station, the message comprising accept and reject options and a request for input from the called communication station.

65. The method of claim 60, further comprising transmitting a message to the calling communication station in response to input from the called communication station.

66. The method of claims 60, 69, 70, or 71, wherein (d) comprises transmitting audible caller identification information and a text message to the called communication station.

68. A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:
 - a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
 - a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;
 - a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;
 - a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and
 - a fifth computer readable program code for causing a computer to cancel the call in response to input from the called communication station.

69. A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

- (a) generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
- (b) determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;
- (c) transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;
- (d) transmitting the audible caller identification information to the called communication station; and
- (e) transferring the call to a voice mail system in response to input from the called communication station.

70. A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:

- (a) generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
- (b) determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;
- (c) transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;
- (d) transmitting the audible caller identification information to the called communication station; and
- (e) transferring the call to another location in response to input from the called communication station.

71. A method for processing a call from a calling party at a calling communication station to a called communication station, the method comprising:
 - (a) generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
 - (b) determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within the query;
 - (c) transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;
 - (d) transmitting the audible caller identification information to the called communication station; and
 - (e) transmitting a message to the calling communication station in response to input from the called communication station.
72. The method of claims 60, 69, 70, or 71, wherein (c) comprises transmitting a request for the calling party to speak his or her name.
73. The method of claims 60, 69, 70, or 71, wherein (c) comprises transmitting a request for the calling party to speak the name of the party upon whose behalf he or she is calling.
74. The method of claims 60, 69, 70, or 71, wherein (c) comprises:
 - (c1) transmitting a message indicating that the called communication station does not accept calls from an unidentified calling party; and
 - (c2) transmitting a request for the calling party to speak his or her name.
75. The method of claims 60, 69, 70, or 71, wherein (d) comprises:
 - (d1) recording the audible caller identification information; and

(d2) transmitting the recorded audible caller identification information to the called communication station.

76. The method of claims 60, 69, 70, or 71, wherein the input from the called communication station comprises dual tone multi-frequency tones.

77. A system for processing a call from a calling party at a calling communication station to a called communication station comprising:
a switch operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a service control point coupled with the switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query; and

a service node coupled with the service control point, the service node being operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station and being operative to transmit the audible caller identification information to the called communication station.

78. The system of claim 77, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable by analyzing information contained within the query.

79. The system of claim 77, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete by analyzing information contained within the query.
80. The system of claim 77, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked by analyzing information contained within the query.
81. The system of claim 77, wherein the service node is operative to transmit audible messages to the calling communication station.
82. The system of claim 77, wherein the service node is operative to transmit audible messages to the called communication station.
83. The system of claim 77, wherein the service node is operative to receive and respond to input from the called communication station.
84. A system for processing a call from a calling party at a calling communication station to a called communication station comprising:
 - a switch operative to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
 - a service control point coupled with the switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query; and

an intelligent peripheral coupled with the service control point, the intelligent peripheral being operative to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station and being operative to transmit the audible caller identification information to the called communication station.

85. The system of claim 84, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is unavailable by analyzing information contained within the query.
86. The system of claim 84, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station is incomplete by analyzing information contained within the query.
87. The system of claim 84, wherein the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked by analyzing information contained within the query.
88. The system of claim 84, wherein the intelligent peripheral is operative to transmit audible messages to the calling communication station.
89. The system of claim 84, wherein the intelligent peripheral is operative to transmit audible messages to the called communication station.
90. The system of claim 84, wherein the intelligent peripheral is operative to receive and respond to input from the called communication station.

91. A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:
 - a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;
 - a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;
 - a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;
 - a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and
 - a fifth computer readable program code for causing a computer to transfer the call to a voice mail system in response to input from the called communication station.
92. A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:

a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;

a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and

a fifth computer readable program code for causing a computer to transfer the call to another location in response to input from the called communication station.

93. A computer usable medium having computer readable program code embodied therein for processing a call from a calling party at a calling communication station to a called communication station, the computer readable program code comprising:

a first computer readable program code for causing a computer to generate a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station;

a second computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station;

a third computer readable program code for causing a computer to transmit a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station;

a fourth computer readable program code for causing a computer to transmit the audible caller identification information to the called communication station; and

a fifth computer readable program code for causing a computer to transmit a message to the calling communication station in response to input from the called communication station.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.